

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. By virtue of the amendments above, claims 1-8 have been amended without prejudice or disclaimer of the subject matter contained therein. Currently, therefore, Claims 1-8 remain pending in the present application, of which, Claims 1, 6 and 7 are independent.

No new matter has been introduced by way of the forgoing amendments or additions; entry thereof is therefore respectfully requested.

Claims 1-8 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Wisecup (U.S.P. No. 6,167,532).

The above claim rejection is respectfully traversed for at least the reasons set forth below.

**Drawings**

In Form PTO-948 dated June 10, 2005, the Draftsperson has objected to FIGs. 1-2 for various alleged informalities. Attached herewith is a replacement sheet for FIGs. 1-2 that fully addresses the Draftsperson's objections.

**Amendments to the Specification**

The specification has been amended to be more consistent with the labeled elements illustrated in FIGs. 1 and 2. No new matter has been added.

**Claim Rejection Under 35 U.S.C. §102**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-8 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Wisecup. Claims 1-8 have been amended to now recite reading and executing first and second agent codes that are different from each other, thereby reading a plurality of agent records for matches with the first and second agent codes in order to execute those matched agent records. In contrast, as cited by the Office Action, Wisecup shows at best a single BIOS agent code saved in the non-modifiable boot block 200 of the system ROM 104. Upon execution of the single BIOS agent code, only one of the Flash images A and B, which the Office Action alleges to be the claimed agent records, is executed based on whichever is specified in the single agent code. According to Wisecup, the preference for executing only one Flash image over another is based on the user configuration in the BIOS configuration

**PATENT**

Atty Docket No.: 70003175-1  
App. Ser. No.: 09/927,150

routine (FIG. 5) and the BIOS post routine (FIG. 6A) that involves fail-over recovery. *See* Wisecup, col. 3, line 35 through col. 5, line 4.

Accordingly, Wisecup does not show the execution of a plurality of agent codes in order to execute a plurality of agent records as claimed. Therefore, Wisecup fails to disclose each and every element of the amended claims 1-8.

Consequently, withdrawal of the rejection of claims 1-8 and allowance of these claims are respectfully requested.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: August 24, 2005

By



Timothy B. Kang

Registration No.: 46,423

MANNAVA & KANG, P.C.  
8221 Old Courthouse Road  
Suite 104  
Vienna, VA 22182  
(703) 652-3817  
(703) 880-5270 (facsimile)

**PATENT**

Atty Docket No.: 70003175-1  
App. Ser. No.: 09/927,150

**IN THE DRAWINGS**

Please replace FIGs. 1-2 with the attached replacement sheet for FIGs. 1-2, wherein the drawings have been amended to address those Draftsperson's objections found in Form PTO-948 dated June 10, 2005.